

Exhibit 9

August 10, 2021 Motion to
Withdraw Formal Charges and
Notice of Dismissal



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

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August 10, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PERSONAL AND CONFIDENTIAL

Michael J. Virzi, Esquire
Post Office Box 50252
Columbia, SC 29250
Via email only: mjv@virzilaw.com

RE: In the Matter of John David Hawkins, Esquire, Respondent
ODC File Number: 17-DE-L-0398, 18-DE-L-0241 and 19-DEL-1228
CLC Docket Number: 21-CLC-002

Dear Mr. Hawkins:

Enclosed please find Disciplinary Counsel's Motion to Withdraw Formal Charges and Notice of Dismissal, in the above-referenced matter. A copy of our certificate of service is also enclosed.

Please feel free to contact me with any questions or concerns regarding this filing.

Sincerely,



Ericka M. Williams

enclosures

STATE OF SOUTH CAROLINA
BEFORE THE COMMISSION ON LAWYER CONDUCT

IN THE MATTER OF:

John David Hawkins, Esquire, Respondent.

Docket Number: 21-CLC-002

**NOTICE OF VOLUNTARY DISMISSAL AND
MOTION TO WITHDRAW FORMAL CHARGES**

The Office of Disciplinary Counsel of the Supreme Court of South Carolina (Disciplinary Counsel) moves before the Commission on Lawyer Conduct (the Commission) to voluntarily dismiss this matter and withdraw the Formal Charges in matter 21-CLC-002, based on the following:

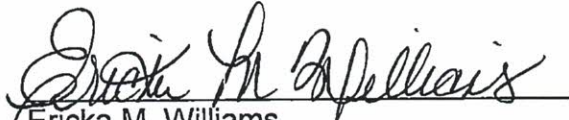
1. Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution and the provisions of S.C. Code Ann. § 40-5-10, et. seq., (1976, as amended), the Supreme Court of South Carolina promulgated the Rules for Lawyer Disciplinary Enforcement (RLDE), Rule 413, SCACR, effective January 1, 1997.
2. Rule 9, RLDE provides that except as otherwise provided in the RLDE, the South Carolina Rules of Civil Procedure (SCRCP) apply in lawyer discipline cases following the filing of formal charges.
3. Rule 41, SCRCP permits a voluntary dismissal of a matter and provides that an "action may be dismissed by the plaintiff...by filing and serving a notice of dismissal at any time before service by the adverse party of an answer or motion for summary judgment[.]".

4. Rule 41, SCRPC further provides that unless otherwise stated in the notice, the voluntary dismissal is without prejudice, except under circumstances not present here. See Rule 41(a)(1), SCRPC ("a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.")
5. On April 20, 2021, Disciplinary Counsel filed Formal Charges in this matter with the Commission.
6. On April 20, 2021, Disciplinary Counsel served a copy of the Formal Charges on Michael J. Virzi as Counsel for the Respondent via his primary email address registered with the Attorney Information System (AIS), pursuant to RE: Amended Supplemental Guidance Regarding Lawyer and Judicial Disciplinary Matters During the Coronavirus Emergency, Order (S.C. Sup. Ct. filed June 15, 2020), part (c).
7. On May 14, 2021, Respondent's Counsel filed a request for a 30-day extension of time to file and serve an Answer to the Formal Charges.
8. By email dated May 14, 2021, the Commission granted Respondent's request for an extension, thereby extending the due date for an answer to June 21, 2021.
9. On May 27, 2021, Respondent's Counsel filed a Motion for a Stay to file and serve Respondent's Answer to the Formal Charges pursuant to Rules 14(b)(1) and 23(a), RLDE, Rule 413, SCACR. The basis for the motion was the pendency of a related action, *John Hawkins et al. vs. South Carolina Commission on Lawyer Conduct, et al.*, in the U.S. District Court with case number 3:21-cv-01319-JMC. Disciplinary Counsel joined the request for a stay of the disciplinary proceedings.

10. On June 7, 2021, the Commission granted the Motion for a Stay and ordered that Respondent's time for filing an Answer to the Formal Charges was stayed until the conclusion of the related federal action.
11. The Respondent has neither filed an Answer to the Formal Charges nor a motion for summary judgment.
12. Disciplinary Counsel is informed and believes that additional efforts to negotiate these disciplinary matters are warranted and Disciplinary Counsel would like an opportunity to make additional attempts to resolve the pending matters without the necessity of a formal hearing.
13. Disciplinary Counsel served a copy of this Notice of Voluntary Dismissal and Motion to Withdraw Formal Charges on the Respondent by certified mail on August 10, 2021, as evidenced by the attached Certificate of Service.
14. Based on the foregoing, the Office of Disciplinary Counsel requests that:
 - A. Pursuant to Rule 41(a), SCRCP, the Commission permit Disciplinary Counsel to voluntarily dismiss the allegations associated with Matter 17-DE-L-0398 (4.A. of the Formal Charges) with prejudice and withdraw the previously filed allegations in the Formal Charges related to ODC matter 17-DE-L-0398.
 - B. Pursuant to Rule 41(a), SCRCP, the Commission permit Disciplinary Counsel to voluntarily dismiss the remaining matters without prejudice and withdraw the previously filed Formal Charges.
 - C. The Commission lift the stay of the disciplinary proceedings for the sole purpose of the Voluntary Dismissal and Withdrawal of Formal Charges.

OFFICE OF DISCIPLINARY COUNSEL

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(803) 734-2038


Ericka M. Williams
Senior Assistant Disciplinary Counsel

Columbia, South Carolina

Dated: August 10, 2021

STATE OF SOUTH CAROLINA
BEFORE THE COMMISSION ON LAWYER CONDUCT

IN THE MATTER OF:

John David Hawkins, Esquire, Respondent.

Docket Number: 21-CLC-002

NOTICE OF DISMISSAL

Pursuant to Rule 41(a)(1) of the South Carolina Rules of Civil Procedure, Disciplinary Counsel, by and through its Senior Assistant Disciplinary Counsel, Ericka M. Williams, hereby dismisses with prejudice the allegations in the Formal Charges related to ODC matter 17-DE-L-0398.

Pursuant to Rule 41 (a)(1) of the South Carolina Rules of Civil Procedure, Disciplinary Counsel, by and through its Senior Assistant Disciplinary Counsel, Ericka M. Williams, hereby dismisses all remaining charges of misconduct in the Formal Charges against John David Hawkins, Esquire without prejudice.

John David Hawkins has neither filed an Answer to the Formal Charges nor a motion for summary judgment as to these allegations. Dismissal under Rule 41 (a)(1) is therefore appropriate.

STATE OF SOUTH CAROLINA
BEFORE THE COMMISSION ON LAWYER CONDUCT

CERTIFICATE OF SERVICE

The undersigned employee of the Office of Disciplinary Counsel to the Supreme Court of South Carolina, certifies that copies of the Motion to Withdraw Formal Charges and Notice of Dismissal dated August 10, 2021, in the Matter of John David Hawkins, Esquire, Respondent (ODC File Number 17-DE-L-0398, 18-DE-L-0241 and 19-DEL-1228, CLC Docket Number 21-CLC-002), the originals of which have been filed with the Commission on Lawyer Conduct, were served on Michael J. Virzi, Counsel for the Respondent on August 10, 2021, by the undersigned emailing the documents to: mjv@virzilaw.com.